

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
South Dakota Human Services Center  
Accountability Review - Monitoring Report 2012-2013**

**Team Members:** Chris Sargent, Team Leader, Donna Huber, Bev Petersen, Team Members

**Dates of On Site Visit:** May 8, 2012

**Date of Report:** June 6, 2012

**All non-compliance must be corrected within 1 year of this report date.**

**Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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#### **GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:15.01. IEPs for student transfers within state.** If a student with a disability, who had an IEP that was in effect in a previous school district in the state, transfers to a new school district in the state, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide FAPE to the student, including services comparable to those described in the student's IEP from the previous school district, until the new school district either:

- (1) Adopts the student's IEP from the previous school district; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in this chapter.

#### **Corrective Action:**

<b><u>Prong 1: Correct each individual case of noncompliance</u></b>		
<b>Student: Files 1-7</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Due to admission requirement, placement to the SD Human Services Center (SDHSC) is typically not initiated by the student's district of residence. SDHSC provide a complete education program and students are returned to their home district upon discharge. Even though transfer procedures appear to apply to movement from district to district, issues found at SDHSC could be eliminated by implementing these procedures during their intake process.	Review and amend the agency policy, procedure and practice to include transfer procedures the agency will follow when students on an IEP enter the facility.	Submit a copy of the procedures the agency will implement.
<b>Timeline for Completion: 60 calendars day from the report date listed above.</b>		

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The agency must review and update its policy, procedure and practice regarding the following:

- The special education transfer procedures for students entering the agencies educational program.

**Data To Be Submitted:**

When a student transfers into the agency from an in-state district the agency will submit the following documentation :

1. A copy of the **prior notice** indicating the agreement that the IEP will be:
  - a. Implemented as written
  - b. A meeting is needed to review and amend the IEP or;
  - c. A phone conversation was held and amendments were agreed to by parents/guardian/surrogate.
  - d. Copy of amended IEP or copy of amendment document.
  - e. Copy of prior notice/consent if evaluation is needed.

**Target Date for Completion: 90 calendars day from the report date listed above.**

**Date - Status Report:**